

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT STEWART AND  
MICHAEL RODGERS  
Plaintiffs,

v.

SOLEBURY TOWNSHIP  
Defendant.

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No. 19-CV-02670

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CASEY JANE HARRELL,  
Plaintiff

v.

SOLEBURY TOWNSHIP  
Defendants.

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No. 19-CV-02809

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**ORDER FOR BILL OF COST OF THE CLERK OF COURTS FOR THE UNITED  
STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IT IS HEREBY ORDERED** that costs are taxed and entered as a judgment against Plaintiffs, Robert Stewart, Michael Rodgers, Casey Harrell, jointly and severally, in the amount of \$ \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**IT IS FURTHER ORDERED** that costs are taxed and entered as a judgment against Plaintiffs, Robert Stewart and Michael Rodgers, jointly and severally, in the amount of \$ \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**CLERK OF COURT**  
U.S.D.C. Eastern District of Pennsylvania

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**BILL OF COSTS**

**WHEREAS** judgment in the consolidated cases, *Robert Stewart and Michael Rodgers v. Solebury Township*, Docket No. 19-cv-02670, was entered on the 26<sup>th</sup> day of February, 2020, against Plaintiffs, Robert Stewart and Michael Rodgers; and

**WHEREAS** judgment in the case, *Casey Jane Harrell v. Solebury Township*, Docket No. 19-cv-02809, was entered on the 20<sup>th</sup> day of February, 2020, against Plaintiff, Casey Jane Harrell;

**NOW THEREFORE**, Defendant, Solebury Township, asks the Clerk to tax the attached as costs jointly and severally and entered as judgments in the cases of *Robert Stewart and Michael Rodgers v. Solebury Township*, Docket No. 19-cv-02670, and *Casey Jane Harrell v. Solebury Township*, Docket No. 19-cv-02809.

Respectfully submitted,

**DEASEY, MAHONEY & VALENTINI, LTD.**

Date: April 29, 2020

By: /s/ Andrew B. Adair  
**ANDREW B. ADAIR**  
Attorney I.D. No. 70756  
103 Chesley Drive, Suite 101  
Media, PA 19063  
(610) 892-2732 Phone  
(215) 587-9456 Fax  
*Attorney for Defendant,*  
*Solebury Township*

**I. BILL OF COSTS – ROBERT STEWART, MICHAEL RODGERS AND CASEY JANE HARRELL JOINTLY AND SEVERALLY FOR COSTS INCURRED COLLECTIVELY THROUGH SUMMARY JUDGMENT**

*A. Fees For Transcripts Necessarily Obtained For Use In Case Taxed Against Robert Stewart, Michael Rodgers And Casey Harrell (Invoices Attached As Exhibit “A”):*

<b>Date</b>	<b>Deponent</b>	<b>Court Reporter</b>	<b>Charge</b>
12/13/19	Casey Harrell	ERSA	\$644.94
12/17/19	Robert Stewart	ERSA	\$ 681.45
12/17/19	Michael Rodgers	ERSA	\$ 726.88
12/23/19	Marc Mansour	Kaplan Leaman and Wolfe	\$ 275.90
12/23/19	Daniel Marascio	Kaplan Leaman and Wolfe	\$ 408.00
12/27/19	Gina Ferzetti	Kaplan, Leaman and Wolfe	\$ 234.00
12/30/19	Megan Klosterman	Kaplan, Leaman and Wolfe	\$ 346.50
12/31/19	Jonathan Koretzky	Kaplan, Leaman and Wolfe	\$341.00
12/31/19	Aaron Soldavin	Kaplan, Leaman and Wolfe	\$291.50
01/03/20	Kevin Edwards	Kaplan Leaman and Wolfe	\$227.50
01/30/20	Chief Dominic Bellizzie	Kaplan, Leaman and Wolfe	\$516.75

**Transcript Total \$4,694.42**

*B. Fees And Disbursements For Printing And Witnesses (Invoices Attached As Exhibit “B”):*

<b>Date</b>	<b>Description</b>	<b>Vendor</b>	<b>Charge</b>
11/13/19	Process Server fee for subpoena to Northampton Township Human Resources Department for the personnel file of Robert Stewart	Courthouse Legal	\$85.00
11/13/19	Process Server fee for subpoena to Northampton Township Police Department for the personnel file of Robert Stewart	Courthouse Legal	\$85.00

**Fees and Disbursements Total \$170.00**

*C. Fees For Exemplification And Costs Of Making Copies Of Any Materials Where The Copies Are Necessary And Obtained For Use In The Case (Invoices Attached As Exhibit "C"):*

<b>Date</b>	<b>Description</b>	<b>Vendor</b>	<b>Charge</b>
01/22/20	Cost to convert 6,608 pages of emails from Personal Storage Table (.pst) format into Portable Document Format (.pdf), and to print (hard copy) and bates label the resulting documents. Documents were produced pursuant to Plaintiffs' document request for specific searches of Defendant's emails. (Performed in house by Conant).	Conant (In-house)	\$ 822.74
01/24/20	Cost to render 7,669 pages of emails from Personal Storage Table (.pst) format into Portable Document Format (.pdf), and to bates label and scan the documents for printing. Documents were produced pursuant to Plaintiffs' document request for specific searches of Defendant's emails and were used in summary judgment and trial. (Performed by Commercial Copy service: MCS).	MCS	\$ 2,377.39
01/27/20	Cost to render 12,564 pages of emails from Personal Storage Table (.pst) format into Portable Document Format (.pdf), and to bates label and scan the documents for printing. Documents were produced pursuant to Plaintiffs' document request for specific searches of Defendant's emails and were used in summary judgment and trial. (Performed by Commercial Copy service: MCS).	MCS	\$ 4,675.68
12/02/19	Copy costs charged by Northampton Township to print Robert Stewart's Employment File which was necessary for Summary Judgment and trial	Northampton Township	\$ 80.25

**Total \$7,956.06**

**GRAND TOTAL OF COSTS THROUGH SUMMARY JUDGMENT TO BE  
TAXED JOINTLY AND SEVERALLY AGAINST ROBERT STEWART,  
MICHAEL RODGERS AND CASEY HARRELL: \$12,820.48**

**II. BILL OF COSTS – ROBERT STEWART AND MICHAEL RODGERS JOINTLY AND SEVERALLY FOR COSTS INCURRED COLLECTIVELY FROM THE GRANT OF SUMMARY JUDGMENT THROUGH TRIAL**

*A. Fees For Transcripts Necessarily Obtained For Use In Case Taxed Against Robert Stewart And Michael Rodgers Only (Invoices Attached As Exhibit “D”):*

<b>Date</b>	<b>Deponent</b>	<b>Court Reporter</b>	<b>Charge</b>
02/14/20	Court reporter fee to transcribe audio recording of Solebury Township Board of Supervisor’s Meeting from September 18, 2018	ERSA	\$518.00

**Transcript Total \$518.00**

*B. Fees For Exemplification And Costs Of Making Copies Of Any Materials Where The Copies Are Necessary And Obtained For Use In The Case Taxed Against Robert Stewart And Michael Rodgers Only (Invoices Attached As Exhibit “E”):*

<b>Date</b>	<b>Description</b>	<b>Vendor</b>	<b>Charge</b>
09/11/19	Copying costs for exhibits sent to MCS to make into trial exhibits	MCS	\$17.28
02/17/20	Cost to create exhibits (four trial boards reflecting Officer Part-time Statistics Chart)	MCS	\$86.40
02/25/20	Trial Support: cost of technician to play back audio recording of Solebury Township Board of Supervisors meeting	Veritext	\$ 662.50

**Total \$ 766.18**

**GRAND TOTAL OF COSTS THROUGH TRIAL TO BE TAXED JOINTLY AND SEVERALLY AGAINST ROBERT STEWART AND MICHAEL RODGERS ONLY:**

**\$1,284.18**

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CASEY JANE HARRELL,  
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No. 19-CV-02809

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**AFFIDAVIT OF ANDREW B. ADAIR IN SUPPORT OF BILLS OF  
COSTS AGAINST PLAINTIFFS, ROBERT STEWART, MICHAEL  
RODGERS, AND CASEY HARRELL, JOINTLY AND SEVERALLY,  
FOR COSTS INCURRED THROUGH SUMMARY JUDGMENT;  
AND AGAINST PLAINTIFFS, ROBERT STEWART AND MICHAEL  
RODGERS, JOINTLY AND SEVERALLY, FOR COSTS INCURRED THROUGH**

I, Andrew B. Adair, Esquire, having been duly sworn according to law, hereby state as follows:

1. I am the attorney for Defendant, Solebury Township, in the above-captioned cases.

2. I have knowledge of the facts and circumstances surrounding the costs and disbursements listed in the Defendant's bills of costs attached hereto.

3. These bills of costs are requested for separate, but related lawsuits: *Robert Stewart and Michael Rodgers v. Solebury Township*, Docket No. 19-cv-02670, and *Casey Jane*

*Harrell v. Solebury Township*, Docket No. 19-cv-02809. These identical bills of costs are being filed under both docket numbers.

4. These lawsuits involved employment claims in which the Plaintiffs, Robert Stewart, Michael Rodgers, and Casey Harrell, all alleged that Solebury Township improperly failed to promote them from part time police officers to full time police officers.

5. Although all three Plaintiffs initially filed separate lawsuits against Solebury Township, the discovery conducted in all three cases was interrelated and applied to all three Plaintiffs' claims against Solebury Township.

6. During the initial pretrial conference with the Honorable Mark A. Kearney on or about September 19, 2019, Judge Kearney recognized the cases involved similar facts and instructed the parties to conduct coordinated discovery including one set of depositions of all witnesses. With the exception of the deposition transcripts for the individual Plaintiffs, the deposition transcripts bear the captions of all three cases.

7. On or about February 20, 2020, Judge Kearney entered summary judgment in *Casey Jane Harrell v. Solebury Township*. See Docket No. 19-cv-02809 at Document No. 73.

8. On or about February 21, 2020, following the dismissal of Plaintiff Casey Harrell's case against Solebury Township, Judge Kearney consolidated Plaintiffs, Robert Stewart and Michael Rodgers' cases for trial and post-trial purposes under the caption *Robert Stewart and Michael Rodgers v. Solebury Township*. See, Docket No. 19-cv-02670 at Document No. 79.

9. On or about February 26, 2020, following a jury trial in which the jury returned a unanimous verdict in favor of Solebury Township, judgment was entered in favor of Solebury Township and against Robert Stewart and Michael Rodgers. See, Docket No. 19-cv-02670 at Document No. 84.



10. Costs have not yet been taxed in these matters.

11. I declare that to the best of my knowledge, information and belief, that costs in the amount of \$12,820.48, which are set forth herein, are correct and were necessarily incurred in the defense of these actions against all three Plaintiffs through the grant of summary judgment in favor of Solebury Township on February 20, 2020.

12. It is requested that the Clerk tax costs and enter a judgment against Plaintiffs, Robert Stewart, Michael Rodgers, and Casey Harrell, jointly and severally, for costs and disbursements of \$12,820.48 incurred in the defense of these cases.

13. I further declare that to the best of my knowledge, information and belief, that costs in the amount of \$1,284.18, which are set forth herein, are correct and were necessarily incurred in the defense of the claims brought by Plaintiffs, Robert Stewart and Michael Rodgers, for the period from the grant of summary judgment in favor of Solebury Township on February 20, 2020, and through the conclusion of trial and jury's verdict on February 26, 2020.

14. It is requested that the Clerk tax costs and enter a judgment against Plaintiffs, Robert Stewart and Michael Rodgers, jointly and severally, for costs and disbursements of \$1,284.18 incurred in the defense of this case.

15. A copy of this bill of costs was mailed today with postage prepaid to Plaintiff's counsel and also served via ECF.

Respectfully submitted,

**DEASEY, MAHONEY & VALENTINI, LTD.**

Date: April 29, 2020

By: /s/ Andrew B. Adair  
**ANDREW B. ADAIR**  
Attorney I.D. No. 70756  
103 Chesley Drive, Suite 101  
Media, PA 19063  
(610) 892-2732 Phone  
(215) 587-9456 Fax  
*Attorney for Defendant,*  
*Solebury Township*  
*Solebury Township*

**CERTIFICATE OF SERVICE**

I, Andrew B. Adair, Esquire, Attorney for Defendant, Solebury Township, certify that a true and correct copy of the within bills of costs were filed electronically and are available for viewing and downloading from the ECF system. I further certify that I served the foregoing document upon the following individual(s) via U.S. First Class Mail and email on this 29<sup>th</sup> day of April 2020:

Timothy Kolman, Esquire  
Kathryn E. Liebhaber, Esquire  
KOLMAN LAW, P.C.  
414 Hulmeville Avenue  
Penndel, PA 19047

Respectfully submitted,

**DEASEY, MAHONEY & VALENTINI, LTD.**

Date: April 29, 2020

By: /s/ Andrew B. Adair  
**ANDREW B. ADAIR**